

Honorable Richard A. Jones

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DEBORAH H. BEATON,

Plaintiff,

v.

JPMORGAN CHASE BANK N.A.,
NORTHWEST TRUSTEE SERVICES, INC.

Defendants.

NO. 11-CV-0872-RAJ

DEFENDANT JPMORGAN CHASE
BANK N.A.'S JOINDER IN
DEFENDANT NORTHWEST
TRUSTEE SERVICES, INC.'S
MOTION TO DISMISS PLAINTIFF'S
COMPLAINT PURSUANT TO FRCP
12(b)(1) and 12(b)(6)

**NOTED ON MOTION CALENDAR:
AUGUST 12, 2011**

Defendant JPMorgan Chase Bank N.A. ("Chase") hereby joins in the Motion to Dismiss Plaintiff's Complaint Pursuant to FRCP 12(b)((1) and 12(b)(6) filed herein by Defendant Northwest Trustee Services, Inc. ("NWTS") [Dkt. 25]. Chase incorporates the entirety of NWTS's dismissal motion, and all exhibits thereto, as if fully set forth herein.

By way of further response, Chase notes that a copy of the original Note referenced in Plaintiff's Complaint [Dkt. 1, p. 4, ¶17], exhibiting its endorsement in blank, has been produced [Dt. 25, pp. 15-17], and may be considered by this Court in ruling on the dismissal motion. In addition, that Chase is the actual holder of the Note, or has requisite authority under RCW 62A.3-301 to enforce the obligation, is undisputed. [Dkt. 25, pp. 18-27.]

DEFENDANT JPMORGAN CHASE BANK N.A.'S
JOINDER IN DEFENDANT NORTHWEST TRUSTEE
SERVICES, INC.'S MOTION TO DISMISS
PLAINTIFF'S COMPLAINT PURSUANT TO FRCP
12(b)(1) and 12(b)(6) - 1

BISHOP, WHITE, MARSHALL & WEIBEL, P.S.
720 OLIVE WAY, SUITE 1201
SEATTLE, WASHINGTON 98101-1801
206/622.5306 FAX:206/622.0354

1 Having failed, after four attempts, to restrain the Trustee's sale of her real property
2 pursuant to RCW 61.24.130, Plaintiff's claims to enjoin, restrain, and rescind that sale are
3 barred. The only possible claims available to Plaintiff are those allowed by RCW 61.24.127 for
4 fraud, misrepresentation, or Consumer Protection Act violations. However, Plaintiff has failed to
5 plead or even suggest that any such claims exist against Chase.

6 In view of the foregoing, Defendant JPMorgan Chase Bank N.A. respectfully requests its
7 Joinder in the Motion to Dismiss Plaintiff's Complaint Pursuant to FRCP 12(b)((1) and 12(b)(6)
8 filed herein by Defendant Northwest Trustee Services, Inc. [Dkt. 25] be granted, and that this
9 action be dismissed against Chase, with prejudice.

10 DATED this 29th day of July, 2011.

11 BISHOP, WHITE, MARSHALL & WEIBEL, P.S.

12 /s/ Barbara L. Bollero

13 David A. Weibel, WSBA # 24031

14 Barbara L. Bollero, WSBA #28906

15 Attorney for Defendant, JPMorgan Chase Bank N.A.

DECLARATION OF SERVICE

I hereby declare under penalty of perjury of the laws of the State of Washington and the United States of America that on this 29th day of July, 2011, I caused to be delivered a copy of the foregoing DEFENDANT JPMORGAN CHASE BANK N.A.'S JOINDER IN DEFENDANT NORTHWEST TRUSTEE SERVICES, INC.'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT PURSUANT TO FRCP 12(b)(1) and 12(b)(6) to the following in the manner indicated:

Plaintiff, Pro Se:

Deborah H. Beaton
31431 46th Pl SW
Federal Way WA 98023

☒ By United States Mail
☐ By Legal Messenger
☐ By Federal Express
☐ By Facsimile

Defendant NWTs:

Heidi E. Buck
Routh Crabtree Olsen, P.S.
13555 SE 36th St Suite 300
Bellevue WA 98006

☐ By United States Mail
☐ By Legal Messenger
☐ By Federal Express
☒ By CM/ECF

Signed this 29th day of July, 2011, at Seattle, Washington.

/s/ Ana I. Todakonzie

Ana I. Todakonzie